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Ted Frank

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Center for Class Action F... · Most Recent

Valentin Vladimirovich
 Justice is not blind if you have cash you can get away with almost everything , that why many corporations get away with many things so I say don't buy HP and Nvidia products tell your family friends your boss company tell strangers tell them how they rip you off and so call it pos called our lawyer Milberg He needs to be reported to BBB. I want to thank Frank and Everyone with this

 May 4 at 12:34pm via iPhone

 Aakash Patel likes this.

Aakash Patel That's right. Has anyone made BBB report on this yet?
 May 7 at 9:05pm

Center for Class Action Fairness
 This morning, I argued the infamous Bachman v. A.G. Edwards case before the Missouri Court of Appeals, an appeal of a settlement approval where Milberg and its co-counsel received \$21 million while the class got a few million in cash and some likely worthless coupons. It was a pleasure to argue in front of attentive judges, and I'm optimistic that they'll do the right thing and protect the class's interests.

 May 4 at 9:04am

 4 people like this.

Phillip Redd Milberg is the devil. They Screwed us in the Nvidia case the same way.
 May 4 at 1:05pm · 2 people

Joseph O'Campo
 Anyone watch the latest new South Park episode and feel a certain commonality? "Would you mind loaning me some of your lipstick MILBERG/HP/NVIDIA because I want to at least look pretty the next time you decide to 'screw' me!"

 May 2 at 12:28pm

 2 people like this.

Center for Class Action Fairness South Park has a high priority on my DVR, but I don't think one wants to analogize the ripped-off class members to Cartman, whose complaining was funny because his grievance was so petty and selfish.
 May 4 at 11:09am

Center for Class Action Fairness
Court rules for NVIDIA
 Details at the Point of Law blog. I'm sorry, as well as angry.
 Source: Center for Class Action Fairness
 Published: 2011-05-02 18:29:00 GMT

 May 2 at 11:53am via RSS Graffiti · Share

 View all 20 comments

Bolinda Haggerty IThank you for your efforts Mr. Frank. I would gladly join malpractice suit. Unfortunately I can't contribute funds due to disability. In this day and age it would be nice to have something unshady to come to light. This whole process sucks. I call the vidia hotline today and they said they are shipping replacement computers next week.
 May 6 at 12:34pm

Center for Class Action Fairness
Illegal coupon settlement in Nevada

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Alka Doshi

friend

Ignacio Salceda

friend

Sponsored

Create an Ad

Fab.com - daily design

fab.com

Get daily design sales from the world's leading designers at up to 70% off retail.

Los Angeles Bucket List

partners.livingsocial.com

365 Things to do in Los Angeles

Class of 1975

Look Up profiles from your high school class now. Reconnect with friends from high school today.

Who Searched 4 U @ MyLife

search.mylife.com

Find out if someone is looking for you on MyLife! Click Now to get started

Chat (2)

Daniel Greenberg of the Center for Class Action Fairness LLC has filed an objection on behalf of two class members to a coupon settlement where the attorney-fee request does not even begin to comply with the basic Class Action Fairness Act requirements of 28 U.S.C. § 1712. We are mystified how the plaintiffs intend to justify the settlement; perhaps they will contend that the \$10 discount "certificates" issued to the class...

Source: [Center for Class Action Fairness](#)
Published: 2011-04-29 13:31:00 GMT



April 29 at 6:51am via RSS Graffiti · Share



Center for Class Action Fairness

Reply brief in *Bachman v. A.G. Edwards* coupon settlement appeal

Milberg and several other law firms collected \$21 million in quick-pay fees for a Missouri state-court class action settlement that provided face value of \$39 million to the class, most of which was in \$8.22 coupons. The Center for Class Action Fairness appealed the rubber-stamp approval, and, on Friday, filed a reply brief in the case....

Source: [Center for Class Action Fairness](#)
Published: 2011-04-28 12:29:00 GMT



April 28 at 5:31am via RSS Graffiti · Share



Center for Class Action Fairness

Gittin v. KCI USA and Calloway v. CashNetUSA class action settlements

In these two California class action settlements over debt-collection practices, one strongly suspects the attorneys are trying to rip off their clients: notwithstanding the clear requirement of Rule 23(h) and *In re Mercury Interactive Securities Lit.*, notice is going to the class without any disclosure of the requested attorneys' fees....

Source: [Center for Class Action Fairness](#)
Published: 2011-04-26 19:05:00 GMT



April 26 at 12:08pm via RSS Graffiti · Share



Center for Class Action Fairness

Cobell v. Salazar

Today the Center for Class Action Fairness filed an objection to the \$3.4 billion taxpayer-funded Cobell Indian trust settlement on behalf of Sisseton-Wahpeton Ojibwa tribe member and class member Kimberly Craven. Congress recently held hearings in response to the class attorneys' fee request of \$223 million, which was over twice the \$99.9 million they promised Congress they would limit their request to....

Source: [Center for Class Action Fairness](#)
Published: 2011-04-20 18:40:00 GMT



April 20 at 11:56am via RSS Graffiti · Share



Center for Class Action Fairness

April 18 press release

CENTER FOR CLASS ACTION FAIRNESS ANNOUNCES MULTIPLE VICTORIES WASHINGTON, DC - Today the Center for Class Action Fairness LLC announced multiple victories in class action objections it filed in five class action settlements that will result in class members ...

[See More](#)

Source: [Center for Class Action Fairness](#)
Published: 2011-04-19 04:12:00 GMT



April 18 at 9:27pm via RSS Graffiti · Share

6 people like this.



Patricia Paulson congratulations!

April 19 at 3:42pm



Center for Class Action Fairness


Babies "R" Us baby products antitrust class action settlement: *McDonough v. Toys "R" Us*

A class action against Babies "R" Us and manufacturers of upscale baby products—Baby Bjorns, Britax car seats, Kids Line and Peg Perego products, Maclaren strollers, Medela breast pumps—over allegedly anticompetitive vertical price restraints has resulted i...

[See More](#)

Source: [Center for Class Action Fairness](#)
Published: 2011-04-18 12:48:00 GMT

Chat (2)

 April 18 at 4:15am via RSS Graffiti · Share
**Center for Class Action Fairness****Objectors and fee requests**

We recently had two victories in two cases in front of the same judge; the question then becomes whether to submit a fee request. There's good precedent for us asking for fees in both cases on the theory that the objection "improved the process," but we take the position that class attorneys should only recover fees rationally related to the size of the class benefit achieved, so, to remain cleaner than...

Source: [Center for Class Action Fairness](#)

Published: 2011-04-17 16:59:00 GMT



April 17 at 10:06am via RSS Graffiti · Share

**Center for Class Action Fairness****EA Sports Litigation (Pecover v. Electronic Arts Inc.)**

Class members getting a notice for this case have been writing me. Dudes: I made my name in the Grand Theft Auto class action, of course I bought Madden and am a class member here. This is a class action certification, rather than a settlement, so there isn't an easy way for me to get involved at this stage....

Source: [Center for Class Action Fairness](#)

Published: 2011-04-16 03:31:00 GMT



April 15 at 8:46pm via RSS Graffiti · Share

**Adam Kolakowski** Thanks, Ted.

April 15 at 9:27pm

**Center for Class Action Fairness****Court reduces fees after CCAF objection to HP settlement**

In January, we discussed a Center for Class Action Fairness objection to a coupon settlement involving HP inkjet printers. That settlement turned out to be even worse than the pathetic one advertised: \$5 million in coupons were offered, but the multi-million member class only bothered to file claims for \$1.5 million worth of the coupons, with the rest reverting to HP....

Source: [Center for Class Action Fairness](#)

Published: 2011-04-11 20:14:00 GMT



April 11 at 1:43pm via RSS Graffiti · Share

**Center for Class Action Fairness**

Still no ruling in NVIDIA. I will get email notification of the ruling within 20 minutes of its docketing, and will make a Facebook and blog post within 24 hours of its receipt.



April 7 at 9:07am via iPhone

18 people like this.

[View all 5 comments](#)**Kari Anne** Regardless of the outcome, I want to personally thank you, for all you have done in this case.

April 18 at 5:47pm · 1 person

**Imelda R Ray** Thank you for taking the time and effort to fight for us

April 19 at 8:51am

**Valentin Vladimirovich**

Still no news about judge ruling?

April 5 at 12:53pm via iPhone

**Richard Stevens**

Mr. Frank, are you aware of the lawnmower class action settlement? We were to have received compensation by April 2011. Well its now April and no compensation, not even an update!!!!

April 1 at 5:53am

Michael Duncan likes this.

Chat (2)



Center for Class Action Fairness I presume "by April" means by April 30.
April 16 at 8:23pm



Richard Stevens My rustic English "by April" means "before" April (before April 1).
April 17 at 7:04am



Richard Stevens they changed again. We were supposed to get it before April, then before the end of April, now mid-May.
April 29 at 4:06pm



Center for Class Action Fairness

April Fools Day and the New York Times

I recently treated myself to the new iPad, which arrived this week, and was looking forward to reading the NY Times this morning with that pretty iPad app, only to learn that everything is behind a paywall. The Times has been good to me over the years, but they keep getting fooled by the likes of my former client Eric Turkewitz every April 1, as his 2010 prank demonstrates....
Source: [Center for Class Action Fairness](#)
Published: 2011-04-01 11:00:00 GMT



April 1 at 4:33am via RSS Graffiti · Share

[Rebecca Ingalls](#) likes this.



Rebecca Ingalls Knock 'em dead. My provider isn't cooperating, so I hope to view it afterwards. I sent the link to my POLS25 class, hope I don't have to do homework on you.....lol!
April 1 at 6:31am



Ben Hurwitz Dizzying.
April 1 at 7:42am



Center for Class Action Fairness

NVIDIA: my role in this case is likely over, but there are class members who plan to continue the fight. A legal malpractice class action against class counsel is likely to proceed if judge rules in NVIDIA's favor at Milberg's behest. If you haven't already, sign up at this website run by a class member very unhappy with the settlement administration, and he'll let you know if there's anything that can be done.



Welcome to FairNvidiaSettlement.com
fairnvidiasettlement.com

FAIRnvidiasettlement.com provides up-to-date information pertaining to NVIDIA GPU litigation / class action suit, involving NVIDIA and Milberg LLP

March 30 at 12:38pm · Share

[3 people](#) like this.



John Robinson Thank you so much for everything! What you've done for us is very admirable!
March 30 at 2:50pm · [1 person](#)



Center for Class Action Fairness

Speaking at University of Cincinnati April 1

I'm apparently a "leading advocate for class action reform." An impressive roster of speakers is going to have to sit through my lunchtime talk, which is part of the symposium entitled "The Principles and Politics of Aggregate Litigation: CAFA, PSLRA, and Beyond." The event will be webcast.
Source: [Center for Class Action Fairness](#)
Published: 2011-03-30 14:01:00 GMT



March 30 at 7:06am via RSS Graffiti · Share




Center for Class Action Fairness

NVIDIA hearing held March 28

As I discussed on our Facebook page yesterday, I wasn't given our full ten minutes to argue in the hearing, while Milberg and NVIDIA took well over ten minutes each to argue against the motion. This could mean Judge Ware didn't care what I had to say, or it could mean that he wanted to give the other side the chance to exhaust every argument before ruling against them, or it...
Source: [Center for Class Action Fairness](#)
Published: 2011-03-29 18:39:00 GMT

Chat (2)

 March 29 at 11:39am via RSS Graffiti · Share

2 people like this.

[View all 10 comments](#)

Jim Jones Not surprised, go get 'em!!!!!!!!!!!!

March 30 at 5:07pm



Jeff Kaas For those of you who don't know there is a whole discussion here

March 30 at 6:36pm

**Valentin Vladimirovich**

Hi first at all I'm going to thank you for all the help you did for us , second how soon will judge will let us know? Thanks again

March 28 at 1:56pm via iPhone

**Jason Walvoord**

Ted and crew, many thanks for the effort today! Regardless of outcome, we've been screwed anyway, but it can hopefully get better from here.

March 28 at 12:56pm

**Maria Del Ruth**

Is there anything we can do to counter NVIDIA's and Hp's argument of "HP class members like the settlement" ? Because I sure as hell don't and I'm sure most people who already relinquished their expensive laptops feel duped!

March 28 at 11:10am

Chad Uretsky likes this.

[View all 4 comments](#)

Maria Del Ruth Btw, thanks for standing up for us. I do appreciate it.

March 28 at 11:22am



Chad Uretsky I agree....I felt duped after I sent my laptop and found out the replacement!

March 29 at 11:15am · [2 people](#)**Dave Santos**

Mr. Frank, I would like to thank you for your effort whatever the outcome might be. May the force be with you!

March 28 at 10:50am



Chris Vallowe Yes, thank you so much for all your hard work! We really do appreciate it.

March 28 at 12:07pm

**Center for Class Action Fairness**

The hearing did not go as I would have liked. The judge admitted he hadn't yet read the papers. He let NVIDIA and Milberg go first to explain the process for choosing the computer; his concern was whether the experts were neutral and the process was adversarial. I was cut off well before my ten minutes were up.



March 28 at 9:53am via iPhone

[View all 13 comments](#)

Ap Guy Thanks so much for the hard work and the update. Nice to have someone who cares about doing things right and not the liars and cheats that Millberg, NVIDIA and HP seem to be. At least 461 (current count here on FB) people who think that the settlement sucks (not just a little disappointed but genuinely getting screwed) and HP has the audacity to say that we "like" the settlement. You have got to be joking.

March 28 at 8:25pm · [1 person](#)

Chad Uretsky Yes, thank you VERY much for all the work you are doing. I think what they are trying to pull is outrageous and just another example of why people always make jokes and remarks about attorneys being corrupt.

March 29 at 9:43am

Chat (2)

**Center for Class Action Fairness**

NVIDIA argument tomorrow morning at 9 am Pacific; I'll try to post an update here or on the blog by noon Pacific, but my sources tell me that Judge Ware rarely indicates from the bench how he's going to rule.



March 27 at 1:20pm via iPhone

5 people like this.



Jeff Kaas Good Luck Ted!

March 27 at 4:28pm



Patricia Paulson Thanks for everything, Ted.

March 27 at 8:51pm



Brian Osborne Best of luck Ted! Thanks for what you are trying to do.

March 28 at 7:41am

**Center for Class Action Fairness**

<http://blogs.wsj.com/deals/2011/03/24/dealpolitik-the-good-the-bad-and-the-ugly-of-class-actions/>

**Dealpolitik: The Good, the Bad and the Ugly of Class Actions - Deal Journal - WSJ**

blogs.wsj.com

Ron Barusch brings us a parable of our flawed litigation system: The story of a bundle of faulty computers, and the \$10 million settlement that cost \$13 million in legal fees.

March 24 at 2:13pm · Share

3 people like this.

RECENT ACTIVITY

Center for Class Action Fairness edited their [About](#) and [Location](#).

**Ap Guy**

If you have been holding out...check out the new forms.

Declaration Form — FAIR settlement - NVIDIA Defective GPU litigation

fairnvidiasettlement.com

A revised online declaration form is now active. Complete this form only if YOU MISSED your claim filing deadline OR ALREADY MAILED IN your notebook or tablet Filing this declaration form DOES NOT GUARANTEE that you will receive qualifying replacement

March 18 at 12:23am · Share

**Mikey N BillieJane Klug**

Thanks for all the help, I'm holding off sending in my tx1000 that I dropped \$2K on and hoping we all get a better offer. HP will never get another penny from me for anything they have their name on or any product that I find out they make. Please keep us up with the progress or if the end of the road has come and again, thanks for all your help.

March 14 at 8:38pm

**Center for Class Action Fairness****Reply brief filed in NVIDIA case**

Our earlier post continues to update the docket, most notably with our reply brief filed today. It's hard to believe that multiple millionaire lawyers from multiple law firms all asked the court to apply the wrong legal standard for deciding a dispute over a consent decree accidentally. I'll take it as a good sign that they didn't think they could win if the court applied the correct legal standard and that their...

Source: [Center for Class Action Fairness](#)

Published: 2011-03-14 18:59:00 GMT



March 14 at 12:17pm via RSS Graffiti · Share

Kari Anne

What is fair about getting a replacement that does not have the features for which I purchased my computer? This is no different than someone who bought a 4 wheel drive

Chat (2)



vehicle, with heated leather seats, CD player, and GPS, being offered a rear wheel drive, cloth covered seats (no heat), am/fm radio and no GPS as a replacement for a defective vehicle!

March 13 at 8:57pm

2 people like this.



Center for Class Action Fairness

Interview with the American Lawyer

If you ignore the spelling and factual errors (which I hope will be corrected Monday), there's a pretty nice interview of me on the American Lawyer website.

Source: [Center for Class Action Fairness](#)

Published: 2011-03-05 12:46:00 GMT



March 5 at 5:06am via RSS Graffiti · Share



Imelda R Ray

I hope we end up with a satisfactory resolution. I am one affected consumer, with an HP TX11XX laptop, w remote control and fingertip reader. I submitted my claim, and can not believe that my replacement would be a NETBOOK, inferior computer than that one I own. Had I known that the settlement would provide for a lower end computer, I would've opted out. This only adds insult to the injury.

Thanks for all you're doing.

March 2 at 6:46pm

2 people like this.

[View all 3 comments](#)



Imelda R Ray Best

March 14 at 7:41pm



Center for Class Action Fairness

NVIDIA class action settlement: Milberg declares war on its clients

If there was ever any question of whether Milberg was going to side with its putative clients or its putative adversary, we now have an answer from this Litigation Daily story (behind a subscription wall): Lead class counsel Jeff Westerman of Milberg said i...

[See More](#)

Source: [Center for Class Action Fairness](#)

Published: 2011-03-02 13:07:00 GMT



March 2 at 5:26am via RSS Graffiti · Share

3 people like this.

[View all 4 comments](#)



Ap Guy Gee Westerman..ever hear of the term the pot calling the kettle black. You sir are the one squarely standing in the way of us consumers getting a fair replacement. Based upon your fantasy land logic your received settlement fees need to be replaced...with a big fat zero. Keep up the great work Frank!!

March 2 at 11:28pm



Center for Class Action Fairness http://www.law.com/jsp/law/technologynews/PubArticleLTN.jsp?id=1202484044867&Milberg_Nvidia_Accused_of_Bait_and_Switch_in_HP_Laptop_Settlement

March 2 at 11:36pm



Center for Class Action Fairness

111-page NVIDIA filing made Monday: spoke with two legal reporters today: Engadget indicated they will cover story.

March 1 at 12:37pm

13 people like this.



Center for Class Action Fairness

Is it really possible that three millionaire partners from three law firms don't know the difference between a "record" and an "appendix" in the Federal Rules of Appellate Procedure? I had to deal with a filing in the "district court" complaining about whether I would include a document in the joint appendix.

Chat (2)

February 28 at 4:04pm

Noah J. Gellner likes this.

**Center for Class Action Fairness****In re HP Laserjet and the question of injunctive relief**

On February 14, there was an hour-long fairness hearing before Judge Guilford in the Central District of California, and anyone who practices in federal court in California knows how rare hour-long arguments are. One certainly appreciates the attention pai...

[See More](#)

Source: Center for Class Action Fairness

Published: 2011-02-25 13:03:00 GMT



February 25 at 5:21am via RSS Graffiti · Share

**Center for Class Action Fairness****Motion made in the NVIDIA GPU class action settlement**

Our January 13 post on the NVIDIA GPU settlement, where class members were promised a "replacement HP notebook computer ... of similar kind and value as their eligible malfunctioning notebook computer" as part of a settlement, but are instead getting a \$330 Compaq CQ56 notebook, has generated several updates and over 100 comments....

Source: Center for Class Action Fairness

Published: 2011-02-24 12:56:00 GMT



February 24 at 5:00am via RSS Graffiti · Share

RECENT ACTIVITY

Center for Class Action Fairness edited their [Company Overview, About and Location](#).

**Center for Class Action Fairness****The return of the \$0 Costco fuel settlement**

You will recall that a class action is pending in Kansas over gasoline retailers' failure to disclose the laws of physics to customers, i.e., gasoline, like all other liquids, expands in higher temperatures. Since a "gallon" is a measure of volume rather than power, someone buying gasoline when it's warm is getting less mileage than someone who buys the same volume of gasoline when it's cool. To some extent, the retailers are...

Source: Center for Class Action Fairness

Published: 2011-02-22 11:01:00 GMT



February 22 at 3:04am via RSS Graffiti · Share

**Ap Guy**

Hey Ted, A recent development of the NIVIDIA settlement indicated that an "alternative" to the ASUS net book was offered.. A new compaq that still does not have tablet capabilities. Amazingly there are two places now in the court documents that a replacement of equal value would be provide. See the quote below. How could the "inte...

[See More](#)

February 13 at 10:58am

**Center for Class Action Fairness****Merger lawsuits**

I'm quoted in a Reuters story about merger lawsuits and their quick settlements: Settlements often come fast, and plaintiffs' lawyers share in the spoils -- \$500,000 in a typical lawsuit, Advisen said. "The real problem, I think, is in cases where lawyers wi...

[See More](#)

Source: Center for Class Action Fairness

Published: 2011-02-12 13:22:00 GMT



February 12 at 5:38am via RSS Graffiti · Share

Noah J. Gellner likes this.

**Center for Class Action Fairness****Oral argument in the Bluetooth case**

The audio file of Monday's oral argument in the Ninth Circuit in the Bluetooth case is now on line. The panel consisted of circuit Judges Hawkins and Fisher and N.D. Ohio district court Judge Zouhary. Briefing: Opening brief Plaintiff-appellees' brief Defendant-appellees' brief Reply brief...

Chat (2)

Source: [Center for Class Action Fairness](#)
Published: 2011-02-09 19:54:00 GMT



February 9 at 11:56am via RSS Graffiti · Share



Center for Class Action Fairness

<http://www.ca9.uscourts.gov/datastore/media/2011/02/08/09-56683.wma>

Oral argument in Bluetooth case

www.ca9.uscourts.gov

09-56683 HAWKINS, FISHER; C.J.J., Zouhary (N. Ohio); DOJ 2-07-2011 Public Audio Recording

February 9 at 11:43am · Share



Center for Class Action Fairness

Apple backdating litigation update

We opposed preliminary approval of the Apple settlement because there was a possibility that money would go to third parties at the expense of class members. The settling parties assured the court that that wouldn't happen, but have not disclosed the number of claims made on the settlement fund to date....

Source: [Center for Class Action Fairness](#)

Published: 2011-01-21 17:09:00 GMT



January 21 at 9:35am via RSS Graffiti · Share



Center for Class Action Fairness

Additional briefing in the HP Inkjet Printer coupon settlement case

The briefing by the settling parties in support of final approval seemed exceptionally poor, though I admittedly have never been in a position where I've tried to defend an indefensible settlement. We see another quack economic expert report inventing tens of millions of dollars of "benefit" from a worthless settlement....

Source: [Center for Class Action Fairness](#)

Published: 2011-01-21 16:31:00 GMT



January 21 at 8:31am via RSS Graffiti · Share



Center for Class Action Fairness

NVIDIA GPU Settlement - HP replacement computers

In the NVIDIA GPU settlement, owners of HP notebook computers affected by a defective chip had to be thrilled: the settlement notice promised them that, with proper documentation, they would receive a "replacement HP notebook computer ... of similar kind and..."

[See More](#)

Source: [Center for Class Action Fairness](#)

Published: 2011-01-13 22:05:00 GMT



January 13 at 2:27pm via RSS Graffiti · Share

7 people like this.



Matthew Millar Thank you so much Ted for looking into this matter. Many of us feel, quite frankly, ripped off. If nothing else it would be nice to know as to WHY we are getting such a lower-end replacement.

January 14 at 2:20pm



Ap Guy How about a class action against Milberg LLP for misrepresenting the value of th TX1000 or for the owners of the NVIDIA settlement site for making false statements that after filling out the forms that the TX1000 is NOT covered?

January 14 at 11:24pm



Center for Class Action Fairness

Victory: court rejects Classmates.com settlement

We'd like to think our objection had at least a little to do with the end result. This decision is not a big surprise after the court was severely critical of the settlement during the December 16 fairness hearing. We won't know for a while why the court rejected the settlement, but Judge Richard Jones today issued an order stating that he did so, that the parties should return to litigation, and...

Source: [Center for Class Action Fairness](#)

Published: 2011-01-13 21:37:00 GMT



January 13 at 1:56pm via RSS Graffiti · Share

Chat (2)

Jim Copland likes this.

**Center for Class Action Fairness****Press coverage of the Bachman case**

In Litigation Daily, Forbes.com, and the Washington Times. Also Amy Alkon's blog....

Source: Center for Class Action Fairness

Published: 2011-01-12 01:51:00 GMT



January 11 at 6:00pm via RSS Graffiti · Share

**Center for Class Action Fairness****Bachman v. A.G. Edwards coupon class action settlement appeal**

Our unsuccessful objection to the Bachman v. A.G. Edwards settlement, which consisted almost entirely of time-restricted non-transferable \$8.22 coupons, received press coverage at the time. The question of whether to value a coupon at full face value or at the actual (or reasonably anticipated) redemption rate is a question of first impression in Missouri state courts; our appellate brief was filed Monday....

Source: Center for Class Action Fairness

Published: 2011-01-11 01:26:00 GMT



January 10 at 5:34pm via RSS Graffiti · Share

**Center for Class Action Fairness****Oral argument scheduled in the Bluetooth case**

The Ninth Circuit has scheduled oral argument in the Bluetooth case for Monday, February 7, 9 a.m., in the federal courthouse in Pasadena. (Five other cases are on the calendar, so I probably won't get my fifteen minutes until after 10 a.m.) I'm undefeated (well, ok, 1-0) in that courthouse....

Source: Center for Class Action Fairness

Published: 2011-01-06 01:16:00 GMT



January 5 at 5:41pm via RSS Graffiti · Share

**Center for Class Action Fairness****In re HP Inkjet Printer Litigation objection**

If I were to buy a three-pack of color ink for my inkjet printer today, it would cost me \$42.99 at HP.com and \$36.99 at Amazon.com. That's not a big deal—unless HP is trying to settle a class action by giving class members \$2 coupons that can only be used at HP.com (and can't be transferred or stacked, and expire in six months)....

Source: Center for Class Action Fairness

Published: 2010-12-30 23:52:00 GMT



December 30, 2010 at 3:54pm via RSS Graffiti · Share

Kimberly Evans Schratwieser likes this.

**Center for Class Action Fairness****Objection in Ercoline v. Unilever (Breyers Smooth & Creamy) class action**

We had to mail it to the court rather than electronically file it so it may not immediately show up in the docket, but today the District of New Jersey will receive my objection to the \$0 settlement in Ercoline v. Unilever, No. 10-cv-1747. Earlier....

Source: Center for Class Action Fairness

Published: 2010-12-13 13:30:00 GMT



December 13, 2010 at 8:13am via RSS Graffiti · Share

**Center for Class Action Fairness****Kellogg's Frosted Mini-Wheats class action settlement**

In the Kellogg's Frosted Mini-Wheats class action settlement, class members (those who purchased the cereal on certain dates in 2008 and 2009) who submit claims will receive \$5/box for up to three boxes of purchased Frosted Mini-Wheats, with claims pro-rated if there are more than \$2.75 million in claims. If there is less than \$2.75 million in claims, money goes to a charity that has yet to be named....

Source: Center for Class Action Fairness

Published: 2010-11-29 14:01:00 GMT



November 29, 2010 at 6:18am via RSS Graffiti · Share

Chat (2)



Holt Lackey How much evidence do I need to prove that I bought frosty mini-wheats in the relevant time frame? More likely than not I did, but I don't have receipts or other evidence.

November 30, 2010 at 8:30pm



Center for Class Action Fairness

Press coverage

Not often that you see class actions discussed on ESPN.com, but Tuesday Morning Quarterback gave us a shout-out for our objection in the Classmates case. Karen Lee Torre (of Ricci fame) writes a very complimentary piece in the Connecticut Law Tribune about CCAF's work in the Apple settlement. We're even getting praise from the trial-lawyer site "Lawyers and Settlements."

Source: [Center for Class Action Fairness](#)

Published: 2010-11-23 13:44:00 GMT



November 23, 2010 at 5:47am via RSS Graffiti · Share



Center for Class Action Fairness

In re Classmates.com class action settlement objection

We filed our objection late Thursday, and submitted ten other pro se objections that people took the trouble to send us for forwarding. Is a settlement that pays class members \$117 thousand worth \$117 thousand or, as the plaintiffs claim, \$9.5 million? We invoke Wile E. Coyote in exploring what seems to be an obvious answer. The attorneys are asking for \$1.05 million for a settlement that Gregg Easterbrook describes as...

Source: [Center for Class Action Fairness](#)

Published: 2010-11-19 09:13:00 GMT



November 19, 2010 at 1:22am via RSS Graffiti · Share



Center for Class Action Fairness

Records on appeal

Under Fed. R. App. Proc. 30(b), appellants and appellees are to coordinate the production of a joint record on appeal, the appendix of the relevant filings and transcripts from the lower court proceedings to assist the appellate court in their review of the case. A number of courts of appeal, including the Seventh and Ninth Circuits, have very common-sense approaches to this: they've established local rules whereby each side submits their...

Source: [Center for Class Action Fairness](#)

Published: 2010-11-18 00:49:00 GMT



November 17, 2010 at 5:01pm via RSS Graffiti · Share



Center for Class Action Fairness

In re Apple Inc. Securities Litigation: parties modify settlement

You may recall that I was not pleased with an Apple settlement that provided for \$2.5 million to go to a series of universities and law schools with "corporate governance" programs (two of which were affiliated with the lead plaintiffs' counsel) instead of to the purportedly injured class members. (See also coverage from Ira Stoll, Jim Copland, John Carney, and Lyle Roberts.) Such "cy pres" awards are a breach of class...

Source: [Center for Class Action Fairness](#)

Published: 2010-11-16 18:45:00 GMT



November 16, 2010 at 10:54am via RSS Graffiti · Share



Center for Class Action Fairness

Google Buzz class action settlement

Notice went out today, and five separate people have emailed me in the last hour about the Google Buzz settlement, which I've been tracking since it was first announced a couple of weeks ago. It flunks Rule 23, but, believe it or not, is not the worst settlement in the world (we have four cases pending in Ninth Circuit courts alone that are worse, including one in Judge Ware's court). ...

Source: [Center for Class Action Fairness](#)

Published: 2010-11-02 22:16:00 GMT



November 2, 2010 at 3:29pm via RSS Graffiti · Share



Center for Class Action Fairness

It's always amusing when it takes two BigLaw lawyers to make a phone call to tell me that another BigLaw lawyer is going to call me later.

October 29, 2010 at 2:27pm

3 people like this.

Chat (2)



Michael Cernovich They gotta make their billables somehow. "strategy session .25"

October 29, 2010 at 4:10pm · 1 person



David Wisniewski Happens in every case I'm in with BigLaw on the other side. They overstaff and overbill the heck out of it.

October 30, 2010 at 9:26am



Center for Class Action Fairness

"Cy Pres: A Not So Charitable Contribution to Class Action Practice"

I'm honored that Skadden's John Beisner, one of the world's leading class action attorneys, Jessica Miller, and Jordan Schwartz today released a new paper on cy pres that heavily relies upon my work and the work of the Center for Class Action Fairness in the AOL case, even singling out that case as an example of abusive cy pres....

Source: [Center for Class Action Fairness](#)

Published: 2010-10-27 16:02:00 GMT



October 27, 2010 at 9:26am via RSS Graffiti · [Share](#)



Center for Class Action Fairness

The illegal Apple backdating class action settlement

Did you buy Apple stock between 2001 and 2006? Ira Stoll and Jim Copland have discussed the outrageous Apple backdating lawsuit resulting in the outrageous Apple backdating settlement. The magnitude of the settlement compared to the original claims demonstrates that it is an extortionate nuisance settlement, being made because it would cost more to defend the suit than to pay the attorneys to go away. But it should be noted: the settlement...

Source: [Center for Class Action Fairness](#)

Published: 2010-10-21 10:57:00 GMT



October 21, 2010 at 4:25am via RSS Graffiti · [Share](#)



Center for Class Action Fairness

\$0 settlement in Breyers "Smooth & Dreamy" class action

Russell Jackson adds to my workload by drawing my attention to Ercole v. Unilever United States, Inc., Civ. A. No. 2:10-cv-01747-SRC-MAS (D.N.J.), a settlement of \$0 for the class, and \$200,000 for the attorneys. This runs into the Murray v. GMAC problem we've repeatedly discussed in other objections. Because I'm a member of the class of purchasers of Breyers Smooth & Dreamy ice cream products, I will be objecting; to deter objections....

Source: [Center for Class Action Fairness](#)

Published: 2010-10-14 15:24:00 GMT



October 14, 2010 at 8:36am via RSS Graffiti · [Share](#)



Dan Bularzik I really like the part where you're required to "provide a detailed list of any other objections by that objector to any class action settlements submitted in any court, whether state, federal or otherwise, in the United States in the previous five (5) years."

They know you're coming. :)

October 14, 2010 at 10:17am



Dan Steinberg Haven't read the case yet, but I'm wondering about the content. "Your Honor, while we acknowledge that the defendant's product is satisfactorily smooth, we believe it has materially misrepresented its 'dreaminess,' as that term is commonly understood by the consumer."

Good luck!

October 14, 2010 at 10:25am · 1 person



Dan Steinberg Crackers, it's almost that bad. You do fine work.

October 14, 2010 at 11:13am



Center for Class Action Fairness

Appeal bond briefing in Dewey v. Volkswagen

Trial lawyers often say that they care about access to justice, but that principle seems to go out the window when it comes to objectors to unfair class action settlements that might interfere with attorneys' fees. In Dewey v. Volkswagen, currently pending ...

[See More](#)

Source: [Center for Class Action Fairness](#)

Published: 2010-10-12 10:36:00 GMT



Chat (2)

October 12, 2010 at 3:59am via RSS Graffiti · Share

**Center for Class Action Fairness****The Classmates.com class action settlement rip-off**

You may have been one of the millions of people to receive a settlement notice regarding a class action against Classmates.com: the settlement notice implied that class members would receive \$9.5 million (though only \$2-\$3 per person, and that mostly in coupons) and the attorneys would ask for \$1.3 million....

Source: [Center for Class Action Fairness](#)

Published: 2010-10-09 11:49:00 GMT



October 9, 2010 at 4:53am via RSS Graffiti · Share

**Center for Class Action Fairness****Crowd-sourcing strategy**

Ok, readers who are appellate attorneys. We have an appeal pending in the Ninth Circuit; briefing is completed. In mid-August, we filed a 28(j) letter briefly discussing a new appellate decision; the letter was fastidious in restricting itself to the narrow constraints of FRAP 28(j). Yesterday, more than six weeks later, one set of appellees filed a 28(j) letter of their own—but it makes 200 words of argument divorced from that...

Source: [Center for Class Action Fairness](#)

Published: 2010-09-29 13:36:00 GMT



September 29, 2010 at 6:36am via RSS Graffiti · Share

**Center for Class Action Fairness****Watch the Center on "Stossel" tonight**

The Center for Class Action Fairness will be featured on "Stossel" tonight: Fox Business News, 9 PM and midnight Eastern. I talk with John Stossel about some of the Center's cases, and, in the show's final segment, appear at a roundtable with Mark Lanier and Marie Gryphon....

Source: [Center for Class Action Fairness](#)

Published: 2010-09-23 11:14:00 GMT



September 23, 2010 at 4:29am via RSS Graffiti · Share

[Monique Bordeaux Wilson Labarre](#) likes this.**Center for Class Action Fairness****Some case updates**

In *Lonardo v. Travelers Insurance*, our objection resulted in a \$2 million improvement in the settlement. We maintained the objection, and the court approved the settlement; we straightforwardly acknowledged that the court "could" approve the improved settl...

[See More](#)Source: [Center for Class Action Fairness](#)

Published: 2010-09-20 07:16:00 GMT



September 20, 2010 at 12:36am via RSS Graffiti · Share

**Center for Class Action Fairness****"The Trouble with Coupons"**

"Coupons are not a valid substitute for money in many situations outside grocery shopping."But I probably can't cite to that in a brief.

Source: [Center for Class Action Fairness](#)

Published: 2010-09-19 14:37:00 GMT



September 19, 2010 at 7:53am via RSS Graffiti · Share

2 people like this.

**Ben Hurwitz** But, I will accept a valid coupon as a finder's fee.

September 19, 2010 at 8:12am

**Frank Bednarz** Attach it as an exhibit. Either that, or attach a

reproduceable Subway coupon as a superior form of relief.

September 19, 2010 at 12:15pm

**Center for Class Action Fairness**

The "Stossel" program with the Center will air September 23, 9 PM Eastern, Fox Business Network.

September 14, 2010 at 6:01am

Chat (2)

4 people like this.



Eddie Sweet Of course we can not watch the program in Canada as the CRTC (communist regulation of television commission is anti american but pro british TV)
September 14, 2010 at 6:56am



Center for Class Action Fairness

One more Sears brief

Plaintiffs and defendants filed three briefs Tuesday and Wednesday before the Friday fairness hearing in the Sears Holding derivative action. And I had a plane to Baton Rouge to catch at 6 am Thursday. So I got to relive my Stakhanovite days at a law firm by writing a brief in response to the one I received at 5 pm on Wednesday in the limited time I had available. Apologies for...

Source: [Center for Class Action Fairness](#)
Published: 2010-09-10 03:55:00 GMT



September 9, 2010 at 9:09pm via RSS Graffiti · Share



Center for Class Action Fairness

Stockholm Syndrome in the Nachsin v. AOL case

CCAF filed its reply brief today in the Nachsin v. AOL appeal. The principal-agent problem does not just affect class action plaintiffs' attorneys enriching themselves at the expense of their putative clients. I see it far too often in the case of class action defense attorneys beholden to the billable hour at the expense of their clients....

Source: [Center for Class Action Fairness](#)
Published: 2010-09-02 20:20:00 GMT



September 2, 2010 at 1:35pm via RSS Graffiti · Share



Center for Class Action Fairness

Professor John Palmer on the Center for Class Action Fairness

Professor John Palmer has some very generous things to say about me and the Center for Class Action Fairness on his excellent economics blog. Though I should note that we've never intervened on behalf of defendants; all of our work is plaintiff-side on behalf of consumers or shareholders....

Source: [Center for Class Action Fairness](#)
Published: 2010-08-30 17:29:00 GMT



August 30, 2010 at 10:49am via RSS Graffiti · Share



John Palmer When I wrote that, I was thinking of the shareholders as the defendants in most instances. Was that wrong?
August 30, 2010 at 12:27pm



Center for Class Action Fairness If the suit is legitimate, then ideally, the offending directors and officers are paying the shareholders and lawyers. In practice, the shareholders (or their insurers, which end up charging them for the privilege) end up paying the lawyers, but they're not technically the defendants.
August 31, 2010 at 4:20am



Center for Class Action Fairness

Update on Sears Holding Corp. derivative shareholder suit

Plaintiffs filed an opposition: I filed a reply. The hearing has been moved from today to September 10, 9:30 AM....

Source: [Center for Class Action Fairness](#)
Published: 2010-08-27 13:12:00 GMT



August 27, 2010 at 6:27am via RSS Graffiti · Share



Center for Class Action Fairness

Appeal bond struck down

Imagine our surprise when we checked the docket in the Bachman case in late July (after checking it weekly since we filed our appeal) and learned that the judge had backdated an order requiring us to file a \$325,000 appeal bond and then never served it on us or had it placed in the docket until a month later....

Source: [Center for Class Action Fairness](#)
Published: 2010-08-26 13:21:00 GMT



August 26, 2010 at 6:35am via RSS Graffiti · Share

Chat (2)

**Center for Class Action Fairness**

Happiness is not having to finish a reply brief because the Missouri Court of Appeals granted our motion to strike an illegal \$325,000 appeal bond order that the district court imposed to attempt to prevent us from appealing her approval of a settlement that paid the attorneys \$21M, while only giving the class \$5M in cash and \$34M in coupons.

August 23, 2010 at 7:25am

Lesley Stevens likes this.



Eddie Sweet Wish we had someone like Ted Frank here in Canada to hold all the money grubbing class action lawyers accountable.

August 23, 2010 at 8:33pm

**Center for Class Action Fairness****Against derivative shareholder strike suits: Sears Holding Corporation, Robert F. Booth Trust v. Crowley**

In the 1998 case of Felzen v. Andreas, the Seventh Circuit suggested that it was looking for an opportunity to take action against derivative shareholder strike suits, suits where a shareholder purportedly sues on behalf of the corporation, but in reality is seeking legal extortion to drop the suit: Rule 23.1 provides for notice to shareholders only in the event of dismissal or settlement, so that other investors may contest the faithfulness...

Source: [Center for Class Action Fairness](#)

Published: 2010-08-17 13:00:00 GMT



August 17, 2010 at 6:20am via RSS Graffiti · Share

**Center for Class Action Fairness****Court rejects settlement in Costco fuel case**

Today's a busy day (there were filings in three different pending objections and appeals, two of them by us), but we'll have to postpone discussion of those cases to note that, on Friday, the U.S. District Court in Kansas rejected the \$0-for-the-class/\$10M-for-the-attorneys settlement in the Costco Fuel case that we argued in April...

Source: [Center for Class Action Fairness](#)

Published: 2010-08-16 20:45:00 GMT



August 16, 2010 at 1:45pm via RSS Graffiti · Share

**Center for Class Action Fairness**

<http://www.cjac.org/blog/2010/08/whats-worse-than-getting-a-cou/index.html>

What's Worse Than Getting a Coupon? Getting Nothing at All!

www.cjac.org

Q: What's worse than a class action lawsuit settlement that provides millions of dollars for trial lawyers and a coupon for the alleged victims? A: A settlement that provides millions of dollars for plaintiffs' attorneys and absolutely nothing for the...

August 12, 2010 at 2:40pm · Share

2 people like this.

**Center for Class Action Fairness****Amicus brief in AT&T Mobility v. Concepcion**

The Ninth Circuit's holding in *Concepcion v. AT&T Mobility*, barring an arbitration clause that prohibits class actions as "unconscionable," rests upon a belief in the exceptionalism of class actions, namely, that they are a uniquely superior form of dispute resolution the availability of which is necessary to vindicate consumer rights...

Source: [Center for Class Action Fairness](#)

Published: 2010-08-10 09:53:00 GMT



August 10, 2010 at 3:16am via RSS Graffiti · Share

**Center for Class Action Fairness**

We use a Seinfeld episode to help explain why a settlement approval should be reversed by the Ninth Circuit.

Center for Class Action Fairness: In re Yahoo! Ninth Circuit appeal
centerforclassactionfairness.blogspot.com

August 9, 2010 at 3:34pm · Share

Chat (2)

**Center for Class Action Fairness**

Miller-McCune interviews Ted Frank about class actions in the August 3 issue.

August 9, 2010 at 12:42am

**Center for Class Action Fairness** <http://www.pointoflaw.com/archives/2010/08/class-actions-i.php>

August 9, 2010 at 12:42am

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